

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SMILEY JAMES HARRIS,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No. [25-cv-01587-JD](#)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION, AND  
DISMISSING CASE**

Pro se plaintiff Smiley James Harris sued the State of California, Konocti County Water District, and other defendants. Dkt. No. 1.<sup>1</sup> Because Harris is proceeding in forma pauperis, Magistrate Judge Robert M. Illman conducted an initial screening of Harris’s complaint under 28 U.S.C. § 1915(e)(2). Judge Illman determined that the complaint was due to be dismissed because it was impossible to decipher Harris’s claims or the basis for federal jurisdiction. Dkt. No. 6. Judge Illman gave Harris until April 10, 2025, to file “an amended complaint in accordance with Rule 8 that clearly sets forth his claims as to each party and properly sets forth this court’s jurisdiction to hear this case.” *Id.* at 2.

In response to Judge Illman’s order, Harris filed an “Amended Complaint/Request for Preliminary Injunctive Relief” on April 7, 2025. Dkt. No. 10. The filing was identical to the initial complaint in all material respects. *Compare* Dkt. No. 10 *with* Dkt. No. 1. Finding that the amended complaint “did not address the court’s concerns,” Judge Illman filed a report

<sup>1</sup> Plaintiff Harris filed a substantively identical complaint in Case No. 25-cv-01594-JD, which has been dismissed. Making duplicative filings hampers the administration of justice, and Harris is admonished that he may not engage in such conduct in the future.

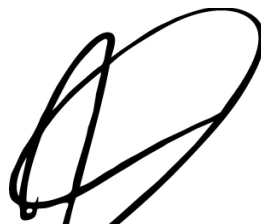
1 recommending that the case be dismissed because there were no viable claims and no discernible  
2 basis for federal jurisdiction. Dkt. No. 11.

3 Harris filed a timely objection to the report and recommendation, Dkt. No. 14, but the  
4 objection is without merit. Harris still has not identified any basis for federal subject matter  
5 jurisdiction. If anything, Harris's "objections" make clear that he, a California resident, is seeking  
6 relief against the State of California and the Konocti County Water District under provisions of the  
7 California Civil Code. Dkt. No. 14 at 2; *id.* at 4 ("plaintiff files this action seeking recovery under  
8 the provisions of Civil Code §§3281 - §3282, and §3287 - §3291 and §3294."). These allegations  
9 establish the absence of diversity jurisdiction or federal question jurisdiction.

10 Consequently, upon an independent review of the record, the Court adopts the report and  
11 recommendation. Dkt. No. 11. The case is dismissed pursuant to Federal Rules of Civil  
12 Procedure 8(a), 12(b)(6), and 12(h)(3). The case management conference set for June 5, 2025, is  
13 vacated, and Harris's request to adjust the date of the case management conference, Dkt. No. 16, is  
14 terminated as moot.

15 **IT IS SO ORDERED.**

16 Dated: May 22, 2025

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20 JAMES DONATO  
21 United States District Judge  
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